

U.S. District Court
United States District Court for the Western District of Washington (Seattle)
CIVIL DOCKET FOR CASE #: 2:17-cv-00562-MJP

American Civil Liberties Union of Washington et al v. U.S. Department of
Homeland Security et al
Assigned to: Judge Marsha J. Pechman
Cause: 05:552 Freedom of Information Act

Date Filed: 04/12/2017
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**American Civil Liberties Union of
Washington**

represented by **Emily Chiang**
ACLU OF WASHINGTON
901 FIFTH AVENUE
SUITE 630
SEATTLE, WA 98164
206-624-2184
Email: echiang@aclu-wa.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Eric M Stahl
DAVIS WRIGHT TREMAINE (SEA)
920 FIFTH AVE
STE 3300
SEATTLE, WA 98104-1610
206-622-3150
Fax: 206-757-7700
Email: ericstahl@dwt.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

American Civil Liberties Union of Montana

represented by **Emily Chiang**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Eric M Stahl
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

**American Civil Liberties Union of North
Dakota**

represented by **Emily Chiang**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Eric M Stahl
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

US Department of Homeland Securityrepresented by **Chetan Patil**

US DEPARTMENT OF JUSTICE (CIVIL - BOX 883)
PO BOX 883
WASHINGTON, DC 20044
202-305-4968
Email: chetan.patil@usdoj.gov
TERMINATED: 12/26/2017

Jason Lee

US DEPARTMENT OF JUSTICE (CIVIL - 20 MASS)
CIVIL DIVISION FEDERAL PROGRAMS
20 MASSACHUSETTS AVE NW
STE 7300
WASHINGTON, DC 20530
202-514-3367
Email: jason.lee3@usdoj.gov
ATTORNEY TO BE NOTICED

Matthew J Berns

US DEPT. OF JUSTICE
CIVIL DIVISION
FEDERAL PROGRAMS BRANCH
20 MASSACHUSETTS AVENUE NW
WASHINGTON, DC 20530
202-616-8016
TERMINATED: 12/26/2017

Defendant**U.S. Customs and Border Protection**represented by **Chetan Patil**

(See above for address)
TERMINATED: 12/26/2017

Jason Lee

(See above for address)
ATTORNEY TO BE NOTICED

Matthew J Berns

(See above for address)
TERMINATED: 12/26/2017

Date Filed	#	Docket Text
04/12/2017	1	COMPLAINT against defendant(s) U.S. Customs and Border Protection, U.S. Department of Homeland Security (Receipt # 0981-4837936), filed by American Civil Liberties Union of Washington, American Civil Liberties Union of Montana, American Civil Liberties Union of North Dakota. (Attachments: # 1 Civil Cover Sheet, # 2 Summons)(Stahl, Eric) (Entered: 04/12/2017)
04/13/2017		Judge Robert S. Lasnik added. (RE) (Entered: 04/13/2017)
04/13/2017	2	Summons electronically issued as to all Defendants. (RE) (Entered: 04/13/2017)
04/18/2017	3	NOTICE of Pendency of Other Action ; filed by Plaintiffs American Civil Liberties Union of Montana, American Civil Liberties Union of North Dakota, American Civil Liberties Union of Washington. (Stahl, Eric) (Entered: 04/18/2017)
04/18/2017	4	CORPORATE DISCLOSURE STATEMENT Filed pursuant to Fed.R.Civ.P 7.1. Filed by American Civil Liberties Union of Montana, American Civil Liberties Union of North Dakota, American Civil Liberties Union of Washington (Stahl, Eric) (Entered: 04/18/2017)

04/27/2017	5	AFFIDAVIT of Service of Summons and Complaint on U.S. Department of Homeland Security and U.S. Customs and Border Protection on 4/14/2017, filed by Plaintiffs American Civil Liberties Union of Montana, American Civil Liberties Union of North Dakota, American Civil Liberties Union of Washington. (Stahl, Eric) (Entered: 04/27/2017)
04/27/2017	6	AFFIDAVIT of Mailing of Summons and Complaint to U.S. Department of Homeland Security and U.S. Customs and Border Protection on 4/14/2017, filed by Plaintiffs American Civil Liberties Union of Montana, American Civil Liberties Union of North Dakota, American Civil Liberties Union of Washington. (Stahl, Eric) (Entered: 04/27/2017)
05/08/2017	7	NOTICE of Appearance by attorney Matthew J Berns on behalf of Defendants U.S. Customs and Border Protection, U.S. Department of Homeland Security. (Berns, Matthew) (Entered: 05/08/2017)
05/08/2017	8	NOTICE of Pendency of Other Action in Judicial Panel on Multidistrict Litigation, case number in other court [not yet assigned] ; filed by Defendants U.S. Customs and Border Protection, U.S. Department of Homeland Security. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1 - Transfer Motion, # 3 Exhibit 2 - Supporting Memorandum, # 4 Exhibit 3 - Schedule of Actions)(Berns, Matthew) (Entered: 05/08/2017)
05/09/2017	9	ORDER REGARDING JOINT STATUS REPORT Joint Status Report due by 5/26/2017, by Judge Robert S. Lasnik. (RS) (Entered: 05/10/2017)
05/10/2017	10	Stipulated MOTION <i>for Extension of Time to Respond to Complaint with Proposed Order</i> , filed by Defendants U.S. Customs and Border Protection, U.S. Department of Homeland Security. Noting Date 5/10/2017, (Berns, Matthew) (Entered: 05/10/2017)
05/11/2017	11	MOTION to Stay <i>Proceedings Pending Decision on Motion to Transfer</i> , filed by Defendants U.S. Customs and Border Protection, U.S. Department of Homeland Security. (Attachments: # 1 Proposed Order) Noting Date 5/26/2017, (Berns, Matthew) (Entered: 05/11/2017)
05/11/2017	12	ORDER granting 10 Stipulated Motion for extension of deadline to 6/29/17 to respond to complaint; Joint Status Report extended to 6/20/2017 7/20/2017, by Judge Robert S. Lasnik.(RS) Modified on 5/19/2017 (KERR). (Entered: 05/11/2017)
05/11/2017	13	NOTICE of defendants' motion to transfer to MDL Panel (RS) (Entered: 05/15/2017)
05/19/2017		NOTICE of Docket Text Modification re 12 Order on Stipulated Motion. Changed deadline for Joint Status report from 6/20/2017 to 7/20/2017. (KERR) (Entered: 05/19/2017)
05/19/2017		Reset Deadline: Joint Status Report due by 7/20/2017 (KERR) (Entered: 05/19/2017)
05/19/2017	14	NOTICE of Appearance by attorney Chetan Patil on behalf of Defendants U.S. Customs and Border Protection, U.S. Department of Homeland Security. (Patil, Chetan) (Entered: 05/19/2017)
05/22/2017	15	RESPONSE, by Plaintiffs American Civil Liberties Union of Montana, American Civil Liberties Union of North Dakota, American Civil Liberties Union of Washington, to 11 MOTION to Stay <i>Proceedings Pending Decision on Motion to Transfer</i> . (Stahl, Eric) (Entered: 05/22/2017)
05/26/2017	16	REPLY, filed by Defendants U.S. Customs and Border Protection, U.S. Department of Homeland Security, TO RESPONSE to 11 MOTION to Stay <i>Proceedings Pending Decision on Motion to Transfer</i> (Patil, Chetan) (Entered: 05/26/2017)
05/26/2017	18	NOTICE of Appearance by Patrick S. Kabat <i>in re: American Civil Liberties Union Freedom of Information Act, MDL No. 2786</i> . (SWT) (Entered: 05/31/2017)
05/26/2017	19	CORPORATE DISCLOSURE STATEMENT filed by Patrick Kabut <i>in re American Civil Liberties Union Freedom of Information Act, MDL 2786</i> . (SWT) (Entered: 05/31/2017)
05/31/2017	17	NOTICE <i>of Filing Opposition to Defendants' Motion to Transfer to the District of Columbia for Consolidation</i> ; filed by Plaintiffs American Civil Liberties Union of Montana, American Civil Liberties Union of North Dakota, American Civil Liberties Union of Washington. (Attachments: # 1 Memorandum of Plaintiffs, 42 American Civil Liberties Union Affiliates, in Opposition to Defendants' Motion for Transfer to the District of Columbia for Consolidation)(Stahl, Eric) (Entered: 05/31/2017)
06/05/2017	21	NOTICE of documents filed with MDL Panel re MDL 2786 (RS) (Entered: 06/06/2017)
06/06/2017	20	ORDER denying Defendants' 11 Motion to Stay Proceedings Pending Decision on Motion to Transfer. Signed by Judge Robert S. Lasnik. (SWT) (Entered: 06/06/2017)

06/06/2017	22	NOTICE of Filing of JPML Reply Brief ; filed by Defendants U.S. Customs and Border Protection, U.S. Department of Homeland Security. (Attachments: # 1 JPML Reply Brief)(Berns, Matthew) (Entered: 06/06/2017)
06/12/2017	23	NOTICE of documents filed with MDL Panel re: MDL 2786. (Notice filed in paper via the U.S. Mail) (PM) (Entered: 06/14/2017)
06/29/2017	24	ANSWER to 1 Complaint, by U.S. Customs and Border Protection, U.S. Department of Homeland Security.(Patil, Chetan) (Entered: 06/29/2017)
07/10/2017	25	AMENDED NOTICE of Presentation or Waiver of Oral Argument re MDL no. 2786 ; filed by Plaintiffs American Civil Liberties Union of Montana, American Civil Liberties Union of North Dakota, American Civil Liberties Union of Washington. (SWT) (Entered: 07/12/2017)
07/20/2017	26	JOINT STATUS REPORT signed by all parties estimated Trial Days: 0. (Stahl, Eric) (Entered: 07/20/2017)
07/28/2017	27	ORDER Extending Time to Submit Joint Status Report; Joint Status Report due by 8/25/2017, signed by Judge Robert S. Lasnik. (SWT) (Entered: 07/28/2017)
08/02/2017	28	ORDER denying transfer re MDL 2786, in re: <i>American Civil Liberties Union Freedom of Information Act (FOIA) Requests Regarding Executive Order 13769</i> ; signed by Sarah S. Vance, Chair of Panel on Multidistrict Litigation.(SWT) (Entered: 08/02/2017)
08/25/2017	29	JOINT STATUS REPORT signed by all parties (Stahl, Eric) (Entered: 08/25/2017)
08/31/2017		Case Reassigned to Judge Marsha J. Pechman. Judge Robert S. Lasnik no longer assigned to the case. All pleadings filed in the future shall bear case number C17-562MJP. (KERR) (Entered: 08/31/2017)
09/01/2017	30	NOTICE of Appearance by attorney Jason Lee on behalf of Defendants U.S. Customs and Border Protection, U.S. Department of Homeland Security. (Lee, Jason) (Entered: 09/01/2017)
09/05/2017	31	MINUTE ORDER Extending Time to Submit Joint Status Report. Joint Status Report due by 9/25/2017. Authorized by Judge Marsha J. Pechman. (RM) (Entered: 09/05/2017)
09/25/2017	32	JOINT STATUS REPORT signed by all parties estimated Trial Days: 0. (Stahl, Eric) (Entered: 09/25/2017)
09/28/2017	33	NOTICE of Hearing: Status Conference set for 10/17/2017 at 10:00 AM in Courtroom 14206 before Judge Marsha J. Pechman.(RM) (Entered: 09/28/2017)
10/17/2017	34	MINUTE ENTRY for proceedings held before Judge Marsha J. Pechman- Dep Clerk: <i>Rhonda Miller</i> ; Pla Counsel: <i>Eric Stahl</i> ; Def Counsel: <i>Jason Lee, Lawrence Lucarelli</i> ; CR: <i>Andrea Ramirez</i> ; Status Conference held on 10/17/2017. Court directs Plaintiff to provide the Government with search terms within seven days. The Government is directed to turn over the first 1000 pages of documents responsive to the FOIA request within 30 days. The next 1000 pages are due within 60 days and any remaining pages are due within 90 days. (RM) (Entered: 10/18/2017)
10/19/2017	35	PROPOSED ORDER (Unsigned) (Stahl, Eric) (Entered: 10/19/2017)
10/20/2017	36	ORDER re Status Conference on 10/17/17; By January 31, 2018, the parties shall submit a joint status report and proposed case schedule to the Court (See Order for more details), signed by Judge Marsha J. Pechman. (SWT) (Entered: 10/20/2017)

11/06/2017	37	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Status Hearing held on 10/17/2017 before Judge Marsha J. Pechman.</p> <p>Parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days.</p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Information regarding the policy can be found on the court's website at www.wawd.uscourts.gov.</p> <p>To purchase a copy of the transcript, contact court reporter Andrea Ramirez, andrea_ramirez@wawd.uscourts.gov, 206-370-8509.</p> <p>Release of Transcript Restriction set for 2/5/2018, (AR) (Entered: 11/06/2017)</p>
12/26/2017	38	NOTICE OF WITHDRAWAL OF COUNSEL: Attorney Matthew J Berns and Chetan Patil for Defendants U.S. Customs and Border Protection, U.S. Department of Homeland Security. (Patil, Chetan) (Entered: 12/26/2017)
01/10/2018	39	STIPULATION AND PROPOSED ORDER by parties (Lee, Jason) (Entered: 01/10/2018)
01/12/2018	40	STIPULATION AND ORDER signed by Judge Marsha J. Pechman. Defendants shall complete their review and processing of the remaining, approximately 150 outstanding records identified as potentially responsive to Plaintiffs' FOIA request, and produce to Plaintiffs all non-exempt, responsive records, by January 19, 2018. (PM) (Entered: 01/12/2018)
01/29/2018	41	STIPULATION AND PROPOSED ORDER by parties (Lee, Jason) (Entered: 01/29/2018)
01/31/2018	42	STIPULATION AND ORDER continuing the deadline to submit the Joint Status Report from 1/31/2018 to 3/2/2018. Signed by Judge Marsha J. Pechman. (PM) (Entered: 01/31/2018)
03/02/2018	43	JOINT STATUS REPORT signed by all parties (Attachments: # 1 Proposed Order)(Lee, Jason) (Entered: 03/02/2018)
03/06/2018	44	MINUTE ORDER: Upon consideration of the parties' joint motion to set deadline for subsequent joint status report, it is ORDERED that the motion is GRANTED and the parties shall file a joint status report by 5/1/2018. Authorized by Judge Marsha J. Pechman. (RM) (Entered: 03/06/2018)
05/01/2018	45	JOINT STATUS REPORT and joint motion to set case deadlines signed by all parties (Attachments: # 1 Proposed Order)(Lee, Jason) Modified on 5/2/2018 (RM). (Entered: 05/01/2018)
05/03/2018	46	ORDER re 45 Joint Status Report and Joint Motion to Set Case Deadlines. Discovery completed by 11/1/2018, Dispositive motions due by 1/31/2019. Signed by Judge Marsha J. Pechman. (PM) (Entered: 05/03/2018)
11/15/2018	47	NOTICE of Change of Address/Change of Name of Attorney Eric M Stahl. Filed by Plaintiffs American Civil Liberties Union of Montana, American Civil Liberties Union of North Dakota, American Civil Liberties Union of Washington. (Stahl, Eric) Modified firm address on 12/4/2018 (DS). (Entered: 11/15/2018)
01/23/2019	48	Agreed MOTION to Stay , filed by Defendants U.S. Customs and Border Protection, US Department of Homeland Security. (Attachments: # 1 Proposed Order) Noting Date 1/23/2019, (Lee, Jason) (Entered: 01/23/2019)
01/24/2019	49	ORDER granting Defendants' 48 Consent Motion to Stay in Light of Lapse of Appropriations. Parties shall file a Joint Status Report within thirty days of the restoration of appropriations. Signed by Judge Marsha J. Pechman.(SWT) (Entered: 01/24/2019)
01/28/2019	50	NOTICE of Restoration of Appropriations ; filed by Defendants U.S. Customs and Border Protection, US Department of Homeland Security. (Lee, Jason) (Entered: 01/28/2019)
01/29/2019		Reset Deadlines: Joint Status Report due by 2/25/2019. (RM) (Entered: 01/29/2019)
01/29/2019		NOTICE REGARDING LACK OF PROPER SIGNATURE. The 50 Notice of Restoration of Appropriations was improperly signed by Jason Lee. Signatures must comply with ECF Filing Procedures . Please file corrected signature page using <i>Praecepto to Attach</i> event and link to original filing. (PM) (Entered: 01/29/2019)

01/29/2019	51	PRAECIPE to attach document re 50 Notice-Other by Defendants U.S. Customs and Border Protection, US Department of Homeland Security (Lee, Jason) (Entered: 01/29/2019)
02/25/2019	52	STIPULATION AND PROPOSED ORDER <i>For Dismissal</i> by parties (Stahl, Eric) (Entered: 02/25/2019)